

Application No.: 10/802,129
Filing Date: March 16, 2004

REMARKS

This Amendment is responsive to the Office Action issued on February 5, 2008. Applicant's representatives would like to thank Examiner Brandi Parker and Supervisory Patent Examiner Calvin Hewitt for the courtesy they extended during the telephone interview conducted on June 18, 2008.

By the foregoing amendments, Applicant has amended the Abstract and independent Claims 1, 9, and 14, as well as dependent Claims 5-8, 10, 12, and 15. New Claims 18-29 have been added. No new matter has been added by this Amendment. Claims 1-29 are thus pending in the application.

I. Objection to the Abstract

The Office Action objected to the Abstract because it exceeded 150 words in length and because of certain informalities with regard to the language used. By the foregoing amendment, Applicant has amended the Abstract to comply with the proper language and format.

II. Rejections of Claim 1-17 under 35 U.S.C. § 103(a)

The Office Action rejected all of the original claims on art-based grounds over various combinations of cited references. For the reasons explained below, Applicant submits that all of the claims, as amended herein, are patentably distinct from the applied references and that the rejections set forth in the Office Action are improper. For purposes of responding to the Office Action, Applicant will treat the applied references as prior art; however, Applicant reserves the right to later disqualify one or more of the references as prior art to some or all of the claims.

Each independent claim is discussed below.

Claim 1

Claim 1 stands rejected under 35 U.S.C. § 103(a) over Hall et al. (US 2003/0229509) in view of Aycock et al. (US-5,765,138). By the foregoing amendment, Applicant has amended the claim as indicated below:

1. A computer-implemented method for generating a risk assessment of a builder, the method comprising:
providing a database that comprises ~~a master set of questions and inspection checkpoints for use in assessing builder risk, wherein at least some of the inspection~~

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checkpoints include information reflective of particular types of construction defects, the database further comprising stored data reflective of estimated monetary costs of repair associated with particular inspection checkpoints;

~~obtaining input about a builder and about projects associated with the builder;
using the input about the builder and the projects to select from the database a subset of questions to present to the builder;~~

accessing stored data about past construction defect claims that includes at least one of: information reflective of a frequency of past construction defect claims and information reflective of costs associated with past construction defect claims;

using at least the data about past construction defect claims to rank at least a portion of the inspection checkpoints;

~~and selecting a subset of the inspection checkpoints to use to inspect one or more construction projects of the builder, wherein the subset of inspection checkpoints is selected by a computer system based at least in part on the ranking, such that the selected subset is collectively reflective of a pre-specified potential monetary cost to repair;~~

~~receiving responses to the subsets of questions from the builder, and storing said responses within computer storage;~~

~~recording within computer storage results of the inspection based on the subset of inspection checkpoints as applied to one or more construction projects of the builder;
and~~

~~using at least the responses to the subsets of questions and the results of the subset of inspection checkpoints to programmatically generate a risk assessment score of the builder.~~

Applicant respectfully submits that the rejection of Claim 1 is improper at least because Aycock and Hall do not collectively teach or suggest, in the context of the other claim limitations, “using at least the data about past construction defect claims to rank at least a portion of the inspection checkpoints.”

As discussed during the interview, neither Aycock nor Hall recognize or suggest the relevance of using historical information about past construction defect claims to the performance of any type of risk assessment. Furthermore, in the building industry, information about construction defect claims is not typically collected and made available for use by building inspectors, nor is the claims information correlated with a database system of inspection checkpoints. It would therefore be a product of improper hindsight to suggest that modifying the database of Hall to allow for ranking a set of checkpoints based on construction defect claims information would be known to be relevant by one of ordinary skill in the art at the time of the invention.

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Additionally, as mentioned briefly in the interview, Applicant further submits that the rejection of Claim 1 is improper at least because Aycock and Hall do not collectively teach or suggest, in the context of the other claim limitations, selecting a subset of inspection checkpoints “such that the selected subset is collectively reflective of a pre-specified potential monetary cost to repair.”

In contrast, as taught in paragraph [0077] of the specification, “Using a standardized dollar amount of potential risk to guide field inspections allows for a more accurate comparison of builder quality and builder risk across a broad range of builder types.”

Claim 9

Claim 9 also stands rejected under 35 U.S.C. § 103(a) over Hall in view of Aycock. By the foregoing amendment, Applicant has amended the claim as indicated below:

9. A system for determining a builder risk assessment score, comprising:
 - a user interface for user entry of data regarding a builder and building projects associated with the builder;
 - a database comprising ~~a master set of questions and~~ information reflective of inspection checkpoints for conducting builder risk assessments, wherein the information reflective of the inspection checkpoints comprises statistical information reflective of a frequency and costliness of building construction problems associated with the inspection checkpoints;
 - a first component configured to receive from the user interface the data regarding the builder and the builder's projects and to select from the database ~~a subset of questions to present to the builder, and a subset of inspection checkpoints to use to inspect construction by the builder, wherein the subset of inspection checkpoints is selected, at least in part, based on the statistical information about the frequency and costliness of building construction problems associated with the inspection checkpoints;~~ and
 - a second component that calculates a risk assessment score for the builder based at least in part on ~~builder responses to the subset of questions and results of the subset of inspection checkpoints.~~

Applicant respectfully submits that the rejection of Claim 9 is improper at least because Aycock and Hall do not collectively teach or suggest, in the context of the other claim limitations, a database with information about inspection checkpoints “wherein the information reflective of the inspection checkpoints comprises statistical information reflective of a frequency and

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costliness of building construction problems associated with the inspection checkpoints,” and “wherein the subset of inspection checkpoints is selected, at least in part, based on the statistical information about the frequency and costliness of problems associated with the inspection checkpoints.”

Claim 14

Claim 14 stands rejected under 35 U.S.C. § 103(a) over Aycock in view of Karatowski (US 2004/0098300). By the foregoing amendment, Applicant has amended the claim as indicated below:

14. A method for performing a builder assessment, comprising:
receiving information about a builder and about at least one project projects-associated with the builder;
accessing a database with historical information reflective of construction defect-related claims;
obtaining additional information about the builder and about at least one of the builder's projects, wherein the additional information comprises results from a physical inspection of the builder's project ~~and information about design aspects of the project and the builder's communications and customer service systems,~~ that includes inspection of construction items associated with one or more checkpoints, and wherein the checkpoints are programmatically selected based, at least in part, on the historical information about construction defect-related claims; and
determining, via execution of program code by a computer system a builder assessment score, based at least in part on the obtained additional information.

Applicant respectfully submits that the rejection of Claim 14 is improper at least because Aycock and Karatowski do not collectively teach or suggest, in the context of the other claim limitations, “accessing a database with historical information reflective of construction defect-related claims,” and “inspection of construction items associated with one or more checkpoints, wherein the checkpoints are programmatically selected based, at least in part, on the historical information about construction defect-related claims.”

III. New Independent Claim

Applicant submits that, for the same reasons explained with reference to Claim 1, the applied references also fail to suggest the subject matter of new independent Claim 29.

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IV. Dependent Claims

The dependent claims, including original Claims 2-8, 10-13, and 14-17 and new Claims 18-28, are patentably distinct from the applied references in view of their dependencies from the corresponding independent Claims 1, 9, and 14 discussed above. In addition, at least some of these dependent claims recite additional patentable distinctions over the references. By focusing on specific claims and claim limitations in the discussion above, Applicant does not imply an agreement with the statements made in the Office Action regarding other claims and claim limitations.

V. No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

VI. Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications, also filed by the Applicant.

Application No.	Title	Filed
10/900,734	SYSTEMS AND METHODS FOR SELECTING AND PRIORITIZING CONSTRUCTION CHECKPOINTS	28-Jul-2004
11/198579	SYSTEMS AND METHODS FOR TRACKING COMPONENT-RELATED INFORMATION ASSOCIATED WITH BUILDINGS	05-Aug-2005

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The claims of the present application are different and possibly broader in scope than the claims pursued in the related applications. To the extent any amendments or characterizations of the scope of any claim or referenced art in the related applications or patents could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicant hereby rescinds and retracts such disclaimer, and request that the Examiner revisit such disclaimer and any cited art it was made to avoid.

VII. Conclusion

In view of the foregoing amendments and remarks, Applicant submits that the application is now in condition for allowance. Applicant respectfully requests consideration and allowance of pending Claims 1-29.

If any issues remain which can potentially be resolved by telephone, the Examiner is invited to call the undersigned agent of record at her direct dial number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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